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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,812	07/19/2007	Akihiro Bungo	20154/0205051-USO	1756
7278	7590	09/28/2009	EXAMINER	
DARBY & DARBY P.C.			DINH, TRINH VO	
P.O. BOX 770			ART UNIT	PAPER NUMBER
Church Street Station			2821	
New York, NY 10008-0770			MAIL DATE	DELIVERY MODE
			09/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,812	BUNGO ET AL.	
	Examiner	Art Unit	
	Trinh Vo Dinh	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 9-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/26/2006;01/18/2008;06/18/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

1. Applicant's election **with traverse** of in the reply filed on 07/28/2009 is acknowledged. The traversal is on the ground(s) that Claims 1 is generic to Species 1-8; Claim 2 is generic to Species 1, 3 and 6-8; Claim 3 is generic to Species 2 and 5-8; Claim 4 is generic to Species 5-8; Claim 5 is generic to Species 4 and 6-8; Claim 7 is generic to Species 6-8; Claim 8 is generic to Species 1-2 and 4-8; Claims 10, 11, 15, and 16 are generic to Species 9, 10, and 11; and Claim 12 is generic to Species 10 and 11. Therefore, all of these species and claims should be grouped together. The Examiner respectfully disagrees. As admitted by the Applicant,

species 1-2 and 5-8 includes claims 1, 2, 3, **4**, 5, **7** and 8;

species 3-4 includes claims 1-2, 5, 6, 8 and **9**;

species 9-11 includes claims **10-16**, and

Species 12 includes claims **18-22**.

Thus, subject matters of claims 4 and 7 are found in species 1-2 and 5-8, but not in either species 3-4, 9-11 or 12;

subject matters of claim 9 are found in species 3-4 but not in either species 1-2 and 5-8, and 8-9, 9-11 or 12;

subject matters of claims 10-16 are found in 9-11 but not in neither species 1-2 and 5-8, 3 and 4, or 12;

subject matters of claims 18-22 are found in species 12 but not in neither species 1-2 and 5-8, 3-4, or 9-11.

Therefore, grouping all species together would create seriously burdened on the Examiner. However, species 1-2 and 5-8, species 3 and 4, species 9-11 will be respectively grouped together. The requirement is still deemed proper and is therefore made FINAL.

Since species 1 has been elected, species 2, 5-8 which draws to claims 1-5 and 7-8 will be also examined together with species 1 due to the discussion above. Accordingly, non-elected claims 6 and 9-22 have been withdrawn from a consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 5 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, it is unclear what “concentrated constant element” means.

In claims 5 and 7-8 “the elementary body” has no antecedent basis. In addition, what does "elementary body" mean?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

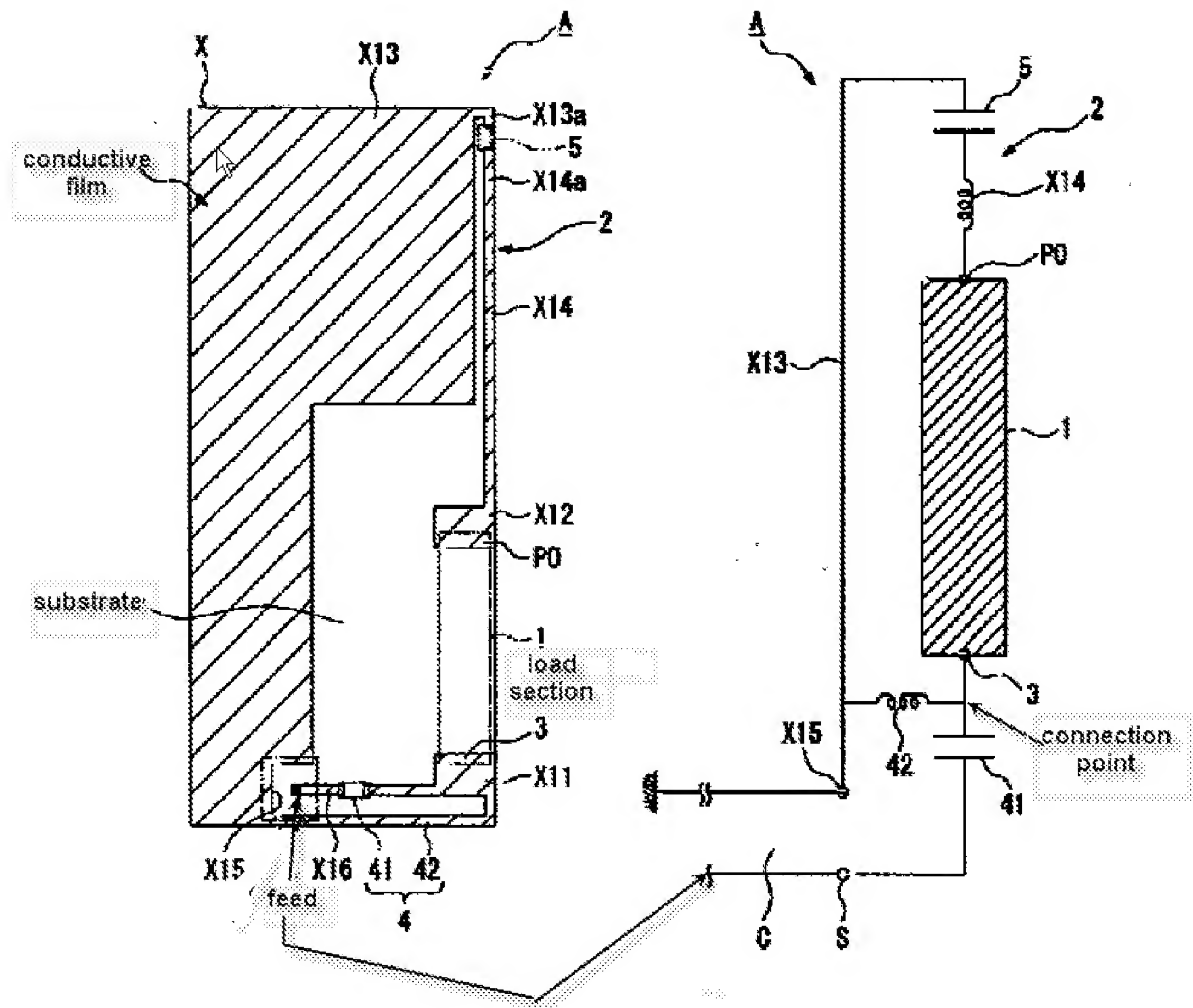
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoshima, Takao (JP 2002 271123 of record).

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Respecting claim 1, Yokoshima discloses, in Figs. 1-2, 4 or the below drawing, a substrate; a conductor film which is disposed on a portion of the substrate; a feed point disposed on the substrate; a loading section (1) disposed on the substrate and constructed with a line-shaped conductor pattern (12 in Fig. 4) which is formed in a longitudinal direction of an elementary body made of a dielectric material; and an inductor section (42) which connects one end (3) of the conductor pattern to the conductive film, and wherein the feed point which feeds a current to a connection point of the one end of the conductor pattern and the inductor section, and wherein a longitudinal direction of the loading section is arranged to be parallel to an edge side of the conductor film.



Respecting claim 2, Yokoshima discloses a capacitor section (41) being connected between the connection point and the feed section.

Respecting claim 5, Yokoshima inherently discloses the capacitor section (41) including a capacitor section which is constructed with a pair of planar electrodes formed on the elementary body to face each other (*referred to a definition of a basic capacitor that is made up of two conductors (reads on electrodes) separated by an insulator, or dielectric (read on a capacitor section). The dielectric can be made of paper, plastic, mica, ceramic, glass, a vacuum or nearly any other nonconductive material. Some capacitors are called electrolytics, meaning*

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that their dielectric is made up of a thin layer of oxide formed on an aluminum or tantalum foil conductor).

Respecting claims 7-8, Yokoshima discloses a multiple-resonance capacitor section (5, 4, 41; E12, E22) is equivalently serially connected between two different points of the conductor pattern (12), and the conductor pattern (E, 12 in Fig. 4) is wound around the elementary body in a longitudinal direction thereof in a helical shape.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoshima in view of Ohara et al (US 2003/0169209).

Yokoshima discloses every feature of the claimed invention except a line-shaped meander pattern. Ohara discloses a line-shaped meander pattern (19 in Fig. 3) being connected to a second end of the conductor pattern. It would have been obvious to one having ordinary skill in the art to form antenna element with the combination of spiral element section and meandrous element section. Doing so would obtain wider bandwidth and higher sensitivity of conductor pattern with a higher accuracy and flexible downsizing and low-profile design of an antenna are enabled as well (in Ohara: paragraph [0066]).

Note: common prior toward claim 3 will be provided upon applicant reply to this office action.

Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821 and email address is trinh.dinh@uspto.gov. The examiner can normally be reached on IFW (Increase Flexible Work). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens, can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 24, 2009

*/Trinh Vo Dinh/
Primary Examiner, Art Unit 2821*